

DIRECTIVE NUMBER 300-08-12

DATE: February 15, 2013

TO: Kansas Department of Labor Employees

FROM: Lana Gordon, Secretary of Labor

SUBJECT: Policy on Harassment

Sexual Harassment

In compliance with Title VII of the Civil Rights Act of 1964, the Kansas Act Against Discrimination, the guidelines on sex discrimination issued by the Equal Employment Opportunity Commission and the Governor's Executive Order No. [03-13](#) and [07-24](#), the Department of Labor endorses the following policy.

Sexual harassment is unlawful and contrary to the equal employment opportunity policy of the Department of Labor. Unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. In addition, other conduct that singles out an employee(s) on the basis of gender is also considered contrary to the department's policy.

It shall also be contrary to the Department's policy to retaliate against any person who has filed a complaint or appeared as a witness or provided information in the investigation of a complaint.

Employees who have experienced conduct they believe is contrary to this policy must report the conduct in accordance with the following procedures. Any employee who believes that he or she has been the subject of sexual harassment as defined above, or retaliation, shall report the alleged act immediately to his or her supervisor, director, or the Human Resources Office. An investigation of all complaints will be conducted immediately. Any employee who has been found to have sexually harassed or retaliated against another employee will be subject to appropriate disciplinary action, up to and including termination.

Other Prohibited Harassment

The procedure above shall be followed for harassment on the basis of other protected characteristics. This includes conduct that singles out or shows hostility or aversion toward an individual because of race, color, gender, sexual orientation, gender identity, religion, national origin, ancestry, age, military or veteran status, or disability status.

Other Inappropriate Conduct

The Department of Labor sets reasonable expectations for the conduct of its employees. Agency values include politeness, common courtesy, dignity, respect, and cultural sensitivity for each other and for those we serve.

The department will not tolerate inappropriate conduct which by itself may not meet the legal definition of discrimination or sexual harassment. Conduct unbecoming a state officer, failure to maintain harmonious workplace relationships, and personal conduct or participation in conduct, which could cause undue disruption of work are grounds for suspension, demotion and dismissal under the Kansas civil service statutes. Examples of such conduct include abusive and offensive remarks, telling or circulating jokes, slurs, or comments based upon race, color, religion, sex, disability or national origin, and displaying, possessing or accessing pornographic materials via the Internet in the workplace or on state equipment.

The Department of Labor trusts that all employees will conduct themselves in a manner that is supportive of a working environment that is respectful and free of discrimination in any form. The Department of Labor encourages any employee to raise questions he or she may have regarding discrimination or affirmative action with the Department's HR office at (785) 296-5000 ext. 2565.

Lana Gordon, Secretary of Labor
Signature on file